

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

*

V.

*

Cr. No. SAG-20-388

DESMOND BUTLER

*

Defendant

*

For: DESMOND BUTLER

*

MOTION TO SUPPRESS EVIDENCE

DESMOND BUTLER, by his undersigned counsel, hereby moves this Honorable Court to exclude from evidence in this case a gun seized from his person on September 26, 2019, due to violations of his Fourth Amendment rights and as grounds states:

1. On October 30, 2020, Mr. Butler was arrested by five Baltimore City police officers while the defendant was sitting his a car parked on the side of the road in a residential neighborhood.
2. The arrest was made without a warrant.
3. The arrest was made without probable cause and was made in violation of Mr. Butler's Fourth Amendment rights. *Beck v. Ohio*, 379 U.S. 89, 96 (1984) and *Wong Sun v. United States*, 371 U.S. 471, 479 (1963).
4. Incident to the arrest, the car he was driving was searched.
5. The search was made without a warrant.
6. The search was made without probable cause, was a violation of his Fourth Amendment rights and was a direct result of the illegal arrest and seizure of Mr. Butler. *Wong Sun, id.*
7. The search resulted in the discovery of ammunition.

8. Because the seizure of the ammunition resulted from violations of Mr. Butler's Constitutional rights, it must be suppressed and excluded from evidence at the trial of this matter. *Id.*
9. A legal memorandum in further support of this motion will be filed upon receipt of the Government's explanation of the arrest.

WHEREFORE, DESMOND BUTLER moves this Honorable Court to exclude from evidence in this case ammunition seized from his alleged possession on October 30, 2020

Respectfully submitted,

_____/s/_____
Richard Bardos, of Counsel
Schulman, Hershfield & Gilden, P.A.
1 East Pratt Street, 9th Floor
Baltimore, Maryland 21202
(410) 332 0850

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st of June, 2021, a copy of the foregoing Motion was served electronically by ECF to: Office of the United States Attorney, 36 South Charles Street, Fourth Floor, Baltimore, Maryland 21201.

_____/s/_____
Richard Bardos